

RESOLUTION NO. 08-120

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA RATIFYING AND APPROVING A WATER DISPOSAL AGREEMENT WITH VECCELLIO & GROGAN, INC. "VGI", A WEST VIRGINIA CORPORATION, GRANTING A TEMPORARY LICENSE TO THE CITY OF HIALEAH, THROUGH ITS AGENTS, TO ENTER PRIVATE PROPERTY OWNED BY VGI FOR THE DISCHARGE AND DISPOSAL OF APPROXIMATELY 34.1 MILLION GALLONS OF WATER GENERATED BY A TEST/PRODUCTION WELL FOR THE REVERSE OSMOSIS WATER TREATMENT PLANT INTO TWO ROCK QUARRY LAKES FOR THE PURPOSE OF COLLECTING DATA TO DETERMINE WATER USE PERMIT STANDARDS, DEFINE WATER PARAMETERS, TREATMENT PERFORMANCE AND DESIGN REQUIREMENTS FOR THE CONSTRUCTION OF THE PLANT; AND FURTHER AUTHORIZING THE EXPENDITURE OF \$100,000 PLUS THE REASONABLE COST OF ITS ATTORNEYS' FEES AND CONSULTANTS INCURRED IN CONNECTION WITH THIS AGREEMENT, TO BE SHARED EQUALLY BY MIAMI-DADE COUNTY, TO BE PAID TO VGI IN EXCHANGE FOR THE USE OF THE PROPERTY AND COMPENSATION FOR THE IMPACTS CREATED BY THE DISPOSAL OF SUCH A LARGE QUANTITY OF WATER WITH A HIGH CHLORIDE CONCENTRATION.

WHEREAS, the City of Hialeah finds that it is in the best interest of the health, safety and welfare of the community to enter into a water disposal agreement with a private property owner, Vecellio & Grogan, Inc. ("VGI") for a temporary license to transport and dispose of approximately 34.1 million gallons residual of high chloride concentrated water discharge generated by a test/production well to be located on the site of the proposed Reverse Osmosis Water Treatment Plant; and

WHEREAS, the temporary license to use two rock quarry lakes, located in Hialeah Gardens, for the disposal of such a large quantity of water in exchange for a license fee of \$100,000 plus attorney's and consultant's fees incurred by the property owner in connection with the negotiations and/or performance of this agreement is the most economical alternative in terms of saving substantial time on a critical time schedule and substantial money in excess of \$1.5 million to construct a water line to dispose of the water at another more distant location.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

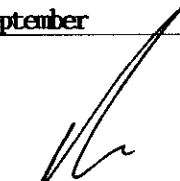
Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby ratifies and approves a water disposal agreement with Vecellio & Grogan, Inc., a West Virginia corporation, granting a temporary license to the City of Hialeah, through its agents, to enter private property owned by VGI for the discharge and disposal of approximately 34.1 million gallons of water generated by a test/production well for the Reverse Osmosis Water Treatment Plant into two rock quarry lakes for the purpose of collecting data to determine Water Use Permit standards, define water parameters, treatment performance and design requirements for the construction of the Plant.

Section 3: The City of Hialeah, Florida authorizes the expenditure of \$100,000 plus the reasonable cost of its attorneys' fees and consultants incurred in connection with this agreement, to be shared equally by Miami-Dade County, to be paid to VGI in exchange for the use of the property and for compensation for the impacts created by the disposal of such a large quantity of water with a high chloride

concentration.


PASSED AND ADOPTED this 23rd day of September, 2008.



Esteban Bovo
Council President

Attest:

Approved on this 27 day of September, 2008.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Resolution was adopted by a 6-0-1 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Hernandez, and Yedra voting "Yes" and Councilmember Gonzalez absent.